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EXAMINER	
URICK, MATTHEW T	

ART UNIT	PAPER NUMBER
2113	

DATE MAILED: 04/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/670,843	AGUILAR ET AL.	
	Examiner	Art Unit	
	Matt Urick	2113	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *25 September 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *25 September 2003* is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

NON-FINAL OFFICIAL ACTION

Status of the Claims

Claims 1, 2, 8, 9, 14, and 15 are rejected under 35 USC 102

Claims 3-7, 10-13, and 16-20 are rejected under 35 USC 103

Claim Objections

Claims 19 and 20 are objected to because of the following informalities:

Claim 19 is dependant on claim 5 but appears to be more appropriately dependant on claim 18.

Claim 20 is dependant on claim 5 but appears to be more appropriately dependant on claim 19.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2, 8, 9, 14, and 15 are rejected under 35 U.S.C. 102(e) as being anticipated by Huang (United States Patent Application Publication 2003/0071840 A1).

As per claim 1, Huang discloses:

A method for monitoring an operational thread using a service thread, said method comprising:

initiating the service thread on a computer system (¶ 83 "monitor thread"),

wherein the service thread monitors a plurality of service events (¶ 83 monitors the "process state");

As per claim 2, Huang discloses:

The method as described in claim 1 wherein the computer system includes a plurality of dissimilar processors (¶ 43 – server and external system are dissimilar processors),

wherein the operational thread and the service thread both execute on a common dissimilar processor from the plurality of dissimilar processors (¶ 78 – the network monitor 242 executes monitor thread, and ¶ 82 - the process being monitored is executed by process manager 246; both are on network server 208).

invoking the operational thread on the computer system using the service thread, wherein the operational thread performs operational tasks (¶ 83 – "monitor thread" may restart the service thread); and

monitoring the operational thread using the service thread (¶ 83).

As per claim 8, Huang discloses:

An information handling system comprising:

a processor (¶ 32 lines 1-2);

a memory accessible by the processor (¶ 33 lines 1-3);

one or more nonvolatile storage devices accessible by the processor (¶ 33 lines 1-3); and

a service thread tool for monitoring an operational thread (¶ 83 "monitor thread"), service thread tool comprising software code effective to:

initiate a service thread on the processor, wherein the service thread monitors a plurality of service events (¶ 83);

invoke the operational thread on the processor using the service thread, wherein the operational thread performs operational tasks (¶ 83 – "monitor thread" may restart the service thread); and

monitor the operational thread using the service thread (¶ 83).

As per claim 9, Huang discloses:

The information handling system as described in claim 8 wherein the computer system includes a plurality of dissimilar processors (¶ 43 – server and external system are dissimilar processors),

wherein the operational thread and the service thread both execute on the processor that is included in the plurality of dissimilar processors (¶ 78 – the network monitor 242 executes monitor thread, and ¶ 82 the process being monitored is executed

by process manager 246; both are on network server 208).

As per claim 14, Huang discloses:

A computer program product stored on a computer operable media for monitoring an operational thread using a service thread, said computer program product comprising:

means for initiating the service thread on a computer system, wherein the service thread monitors a plurality of service events (¶ 83 "monitor thread");

means for invoking the operational thread on the computer system using the service thread, wherein the operational thread performs operational tasks (¶ 83 – "monitor thread" may restart the service thread); and

means for monitoring the operational thread using the service thread (¶ 83).

As per claim 15, Huang discloses:

The computer program product as described in claim 14 wherein the computer system includes a plurality of dissimilar processors (¶ 43 – server and external system are dissimilar processors),

wherein the operational thread and the service thread both execute on a common dissimilar processor from the plurality of dissimilar processors (¶ 78 – the network monitor 242 executes monitor thread, and ¶ 82 the process being monitored is executed by process manager 246; both are on network server 208).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 5-7, 12, 13, and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huang (United States Patent Application Publication 2003/0071840 A1) in view of Steinberg (United States Patent No. 6,996,015 B2).

As per claim 5, Huang fails to disclose:

The method as described in claim 1 further comprising:

polling the operational thread using the service thread;

detecting an operational thread failure based upon the polling; and

analyzing one or more service events in response the detecting.

Steinberg discloses a system in which a running process polls other running programs to obtain their status (column 3 lines 1-16). The polling can detect failures based on the status updates (column 5 lines 19-31). These status updates are analyzed to determine failure correlations (column 5 lines 48-57). Steinberg discloses that this system will enable a large network to remain at peak efficiency by troubleshooting errors and determining the causes of network faults (column 1 lines 20-30). Huang discloses that he wishes to monitor large networks (¶ 7, ¶ 8), as well as collect alarm data (¶ 38 lines 5-11). Using Steinberg's system would enable the user to collect accurate fault information, improving the ability to maintain the network. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to incorporate the alert system of Steinberg into the network management system of Huang, increasing the ability to recognize and diagnose faults.

As per claim 6, Huang fails to disclose:

The method as described in claim 5 wherein the analyzing further comprising:

retrieving one or more service event values; and

identifying whether the operational thread failure is due to one of the retrieved service event values.

Steinberg discloses a system in which several indicators are retrieved (column 6 lines 20-28), and it is determined whether or not a fault has been caused by the retrieved indicators (column 6 lines 35-48). Steinberg discloses that this system will enable a large network to remain at peak efficiency by troubleshooting errors and

determining the causes of network faults (column 1 lines 20-30). Huang discloses that he wishes to monitor large networks (¶ 7, ¶ 8), as well as collect alarm data (¶ 38 lines 5-11). Using Steinberg's system would enable the user to collect accurate fault information, improving the ability to maintain the network. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to incorporate the alert system of Steinberg into the network management system of Huang, increasing the ability to recognize and diagnose faults.

As per claim 7, Huang fails to disclose:

The method as described in claim 6 further comprising:

adjusting one or more service tolerances in response to the identification, the adjusted service tolerances corresponding to the identified service event values; and

Huang does disclose:

resetting the operational thread in response to the adjusting (¶ 83 the monitor thread may restart the running process).

Steinberg discloses a system in which several tolerance values – called "correlation factors" – can be adjusted if it is determined that the criteria for a problem indication is not accurate (column 6 line 66 – column 7 line 16). Steinberg discloses that this system will enable a large network to remain at peak efficiency by troubleshooting errors and determining the causes of network faults (column 1 lines 20-30). Huang discloses that he wishes to monitor large networks (¶ 7, ¶ 8), as well as collect alarm data (¶ 38 lines 5-11). Using Steinberg's system would enable the user to collect

accurate fault information, improving the ability to maintain the network. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to incorporate the alert system of Steinberg into the network management system of Huang, increasing the ability to recognize and diagnose faults.

As per claim 12, Huang fails to disclose:

The information handling system as described in claim 8 wherein the software code is further effective to: poll the operational thread using the service thread; detect an operational thread failure based upon the polling; and analyze one or more service events in response the detecting.

Steinberg discloses a system in which a running process polls other running programs to obtain their status (column 3 lines 1-16). The polling can detect failures based on the status updates (column 5 lines 19-31). These status updates are analyzed to determine failure correlations (column 5 lines 48-57). Steinberg discloses that this system will enable a large network to remain at peak efficiency by troubleshooting errors and determining the causes of network faults (column 1 lines 20-30). Huang discloses that he wishes to monitor large networks (¶ 7, ¶ 8), as well as collect alarm data (¶ 38 lines 5-11). Using Steinberg's system would enable the user to collect accurate fault information, improving the ability to maintain the network. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to incorporate the alert system of Steinberg into the network management system of Huang, increasing the ability to recognize and diagnose faults.

As per claim 13, Huang fails to disclose:

The information handling system as described in claim 12 wherein the software code is further effective to: retrieve one or more service event values; identify whether the operational thread failure is due to one of the retrieved service event values; adjust one or more service tolerances in response to the identification, the adjusted service tolerances corresponding to the identified service event values; reset the operational thread in response to the adjusting.

Steinberg discloses a system in which several indicators are retrieved (column 6 lines 20-28), and it is determined whether or not a fault has been caused by the retrieved indicators (column 6 lines 35-48). Several tolerance values – called "correlation factors" – can be adjusted if it is determined that the criteria for a problem indication is not accurate (column 6 line 66 – column 7 line 16). Steinberg discloses that this system will enable a large network to remain at peak efficiency by troubleshooting errors and determining the causes of network faults (column 1 lines 20-30). Huang discloses that he wishes to monitor large networks (¶ 7; ¶ 8), as well as collect alarm data (¶ 38 lines 5-11). Using Steinberg's system would enable the user to collect accurate fault information, improving the ability to maintain the network. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to incorporate the alert system of Steinberg into the network management system of Huang, increasing the ability to recognize and diagnose faults.

As per claim 18, Huang fails to disclose:

The computer program product as described in claim 14 further comprising: means for polling the operational thread using the service thread; means for detecting an operational thread failure based upon the polling; and means for analyzing one or more service events in response the detecting.

Steinberg discloses a system in which a running process polls other running programs to obtain their status (column 3 lines 1-16). The polling can detect failures based on the status updates (column 5 lines 19-31). These status updates are analyzed to determine failure correlations (column 5 lines 48-57). Steinberg discloses that this system will enable a large network to remain at peak efficiency by troubleshooting errors and determining the causes of network faults (column 1 lines 20-30). Huang discloses that he wishes to monitor large networks (¶ 7, ¶ 8), as well as collect alarm data (¶ 38 lines 5-11). Using Steinberg's system would enable the user to collect accurate fault information, improving the ability to maintain the network. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to incorporate the alert system of Steinberg into the network management system of Huang, increasing the ability to recognize and diagnose faults.

As per claim 19, Huang fails to disclose:

The computer program product as described in claim 5 wherein the analyzing further comprising: means for retrieving one or more service event values; and means for identifying whether the operational thread failure is due to one of the retrieved service event values.

Steinberg discloses a system in which several indicators are retrieved (column 6 lines 20-28), and it is determined whether or not a fault has been caused by the retrieved indicators (column 6 lines 35-48). Steinberg discloses that this system will enable a large network to remain at peak efficiency by troubleshooting errors and determining the causes of network faults (column 1 lines 20-30). Huang discloses that he wishes to monitor large networks (¶ 7, ¶ 8), as well as collect alarm data (¶ 38 lines 5-11). Using Steinberg's system would enable the user to collect accurate fault information, improving the ability to maintain the network. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to incorporate the alert system of Steinberg into the network management system of Huang, increasing the ability to recognize and diagnose faults.

As per claim 20, Huang fails to disclose:

The computer program product as described in claim 6 further comprising: means for adjusting one or more service tolerances in response to the identification, the

adjusted service tolerances corresponding to the identified service event values; and means for resetting the operational thread in response to the adjusting.

Steinberg discloses a system in which several tolerance values – called "correlation factors" – can be adjusted if it is determined that the criteria for a problem indication is not accurate (column 6 line 66 – column 7 line 16). Steinberg discloses that this system will enable a large network to remain at peak efficiency by troubleshooting errors and determining the causes of network faults (column 1 lines 20-30). Huang discloses that he wishes to monitor large networks (¶ 7, ¶ 8), as well as collect alarm data (¶ 38 lines 5-11). Using Steinberg's system would enable the user to collect accurate fault information, improving the ability to maintain the network. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to incorporate the alert system of Steinberg into the network management system of Huang, increasing the ability to recognize and diagnose faults.

Claims 3, 10, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huang (United States Patent Application Publication 2003/0071840 A1) in view of Nguyen (United States Patent Application Publication 2002/0120886 A1), and further in view of Microsoft Computer Dictionary (fifth edition).

As per claim 3, Huang fails to disclose:

The method as described in claim 1 wherein at least one of the service events is selected from the group consisting of a fan check, a sensor check, and a hardware error log check.

Nguyen discloses a system in which a network may be monitored for state information, including sensor checks, fan faults (Nguyen ¶ 22 lines 1-10), and error log checks (Nguyen ¶ 23 lines 9-14). Nguyen discloses that this system enables a user to remotely monitor state information of various devices connected to a network, and prevent false alarms from occurring (Nguyen ¶ 7, ¶ 8). Huang states that his system may require monitoring of a fully developed network of components (Huang ¶ 7, ¶ 8). Using Nguyen's system would prevent tedious false alarms which would enable a user to monitor a larger network. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to incorporate the monitoring system of Nguyen into the network management system of Huang, increasing the ability to monitor developed networks.

Huang and Nguyen fail to disclose:

[the service events is selected from the group consisting of] an ECC error check

Microsoft Computer Dictionary defines an error correction code as one which can detect data transmission errors by simply examining the code at the receiving point. Nguyen's system requires the monitoring of various hardware resources, including interfaces (Nguyen ¶ 22). Huang's invention also requires monitoring of connections (Huang ¶ 7). Using error correction code would enable Huang and Nguyen's inventions to monitor a connection for faults by simply examining data transmissions across the

connection. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to incorporate error correction code into the systems of Huang and Nguyen, as a means to examine for network faults.

As per claim 10, Huang fails to disclose:

The information handling system as described in claim 8 wherein at least one of the service events is selected from the group consisting of a fan check, a sensor check, an ECC error check, and a hardware error log check.

Nguyen discloses a system in which a network may be monitored for state information, including sensor checks, fan faults (Nguyen ¶ 22 lines 1-10), and error log checks (Nguyen ¶ 23 lines 9-14). Nguyen discloses that this system enables a user to remotely monitor state information of various devices connected to a network, and prevent false alarms from occurring (Nguyen ¶ 7, ¶ 8). Huang states that his system may require monitoring of a fully developed network of components (Huang ¶ 7, ¶ 8). Using Nguyen's system would prevent tedious false alarms which would enable a user to monitor a larger network. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to incorporate the monitoring system of Nguyen into the network management system of Huang, increasing the ability to monitor developed networks.

Huang and Nguyen fail to disclose:

[the service events is selected from the group consisting of] an ECC error check

Microsoft Computer Dictionary defines an error correction code as one which can detect data transmission errors by simply examining the code at the receiving point. Nguyen's system requires the monitoring of various hardware resources, including interfaces (Nguyen ¶ 22). Huang's invention also requires monitoring of connections (Huang ¶ 7). Using error correction code would enable Huang and Nguyen's inventions to monitor a connection for faults by simply examining data transmissions across the connection. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to incorporate error correction code into the systems of Huang and Nguyen, as a means to examine for network faults.

As per claim 16, Huang fails to disclose:

The computer program product as described in claim 14 wherein at least one of the service events is selected from the group consisting of a fan check, a sensor check, an ECC error check, and a hardware error log check.

Nguyen discloses a system in which a network may be monitored for state information, including sensor checks, fan faults (Nguyen ¶ 22 lines 1-10), and error log checks (Nguyen ¶ 23 lines 9-14). Nguyen discloses that this system enables a user to remotely monitor state information of various devices connected to a network, and prevent false alarms from occurring (Nguyen ¶ 7, ¶ 8). Huang states that his system may require monitoring of a fully developed network of components (Huang ¶ 7, ¶ 8). Using Nguyen's system would prevent tedious false alarms which would enable a user to monitor a larger network. Therefore, it would have been obvious to one of ordinary

skill in the art at the time of invention to incorporate the monitoring system of Nguyen into the network management system of Huang, increasing the ability to monitor developed networks.

Huang and Nguyen fail to disclose:

[the service events is selected from the group consisting of] an ECC error check

Microsoft Computer Dictionary defines an error correction code as one which can detect data transmission errors by simply examining the code at the receiving point. Nguyen's system requires the monitoring of various hardware resources, including interfaces (Nguyen ¶ 22). Huang's invention also requires monitoring of connections (Huang ¶ 7). Using error correction code would enable Huang and Nguyen's inventions to monitor a connection for faults by simply examining data transmissions across the connection. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to incorporate error correction code into the systems of Huang and Nguyen, as a means to examine for network faults.

Claims 4, 11, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huang (United States Patent Application Publication 2003/0071840 A1) in view of Srinivasan (United States Patent Application Publication 2004/0123188 A1), and further in view of Microsoft Computer Dictionary (fifth edition).

As per claim 4, Huang fails to disclose:

The method as described in claim 1 further comprising

identifying a service error, the service error corresponding to one of the plurality of service events;

determining whether the service error is correctable;

terminating the operational thread in response to the determination; and

Srinivasan discloses a system in which hardware tests are run on a computing system to determine the cause of a fault (¶ 85 lines 1-8). The test determines if the error is correctable (¶ 85 lines 9-11), and terminates program execution (¶ 85 lines 11-14). Srinivasan discloses that this system enables a user to detect and repair errors on hardware devices (Srinivasan ¶ 25). Huang states that his system may require monitoring of a fully developed network of components (Huang ¶ 7, ¶ 8). Using Srinivasan's system would enable a user to monitor a network for a wide variety of hardware failures, further expanding the ability to monitor and diagnose faults in a network. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to incorporate the monitoring system of Srinivasan into the network management system of Huang, increasing the ability to monitor developed networks.

Huang and Srinivasan fail to disclose:

backing up operational data in response to the terminating, the operational data corresponding to the operational thread.

Microsoft Computer Dictionary discloses that a backup is a duplicate copy of data stored to prevent the loss of information in the event of a failure, and that many programs automatically create backups of other files to prevent loss of data. Huang's

system requires network models to be stored on a remote server computer (¶ 58 lines 5-7). Making a backup copy would prevent loss of data in the case of an application failure. Srinivasan's system can respond to errors on a hard drive (¶ 84). Backing up the data hard drive would prevent loss of data in case the error is uncorrectable or if part of the hard drive must be erased. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to incorporate data backups into the monitoring system of Srinivasan, or into the network management system of Huang, to prevent data loss.

As per claim 11, Huang fails to disclose:

The information handling system as described in claim 8 wherein the software code is further effective to: identify a service error, the service error corresponding to one of the plurality of service events; determine whether the service error is correctable; terminate the operational thread in response to the determination; and back-up operational data located in the memory in response to the terminating, the operational data corresponding to the operational thread.

Srinivasan discloses a system in which hardware tests are run on a computing system to determine the cause of a fault (¶ 85 lines 1-8). The test determines if the error is correctable (¶ 85 lines 9-11), and terminates program execution (¶ 85 lines 11-14). Srinivasan discloses that this system enables a user to detect and repair errors on hardware devices (Srinivasan ¶ 25). Huang states that his system may require monitoring of a fully developed network of components (Huang ¶ 7, ¶ 8). Using

Srinivasan's system would enable a user to monitor a network for a wide variety of hardware failures, further expanding the ability to monitor and diagnose faults in a network. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to incorporate the monitoring system of Srinivasan into the network management system of Huang, increasing the ability to monitor developed networks.

Huang and Srinivasan fail to disclose:

backing up operational data in response to the terminating, the operational data corresponding to the operational thread.

Microsoft Computer Dictionary discloses that a backup is a duplicate copy of data stored to prevent the loss of information in the event of a failure, and that many programs automatically create backups of other files to prevent loss of data. Huang's system requires network models to be stored on a remote server computer (¶ 58 lines 5-7). Making a backup copy would prevent loss of data in the case of an application failure. Srinivasan's system can respond to errors on a hard drive (¶ 84). Backing up the data hard drive would prevent loss of data in case the error is uncorrectable or if part of the hard drive must be erased. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to incorporate data backups into the monitoring system of Srinivasan, or into the network management system of Huang, to prevent data loss.

As per claim 17, Huang fails to disclose:

The computer program product as described in claim 14 further comprising: means for identifying a service error, the service error corresponding to one of the plurality of service events; means for determining whether the service error is correctable; means for terminating the operational thread in response to the determination; and means for backing up operational data in response to the terminating, the operational data corresponding to the operational thread.

Srinivasan discloses a system in which hardware tests are run on a computing system to determine the cause of a fault (¶ 85 lines 1-8). The test determines if the error is correctable (¶ 85 lines 9-11), and terminates program execution (¶ 85 lines 11-14). Srinivasan discloses that this system enables a user to detect and repair errors on hardware devices (Srinivasan ¶ 25). Huang states that his system may require monitoring of a fully developed network of components (Huang ¶ 7, ¶ 8). Using Srinivasan's system would enable a user to monitor a network for a wide variety of hardware failures, further expanding the ability to monitor and diagnose faults in a network. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to incorporate the monitoring system of Srinivasan into the network management system of Huang, increasing the ability to monitor developed networks.

Huang and Srinivasan fail to disclose:

backing up operational data in response to the terminating, the operational data corresponding to the operational thread.

Microsoft Computer Dictionary discloses that a backup is a duplicate copy of data stored to prevent the loss of information in the event of a failure, and that many

programs automatically create backups of other files to prevent loss of data. Huang's system requires network models to be stored on a remote server computer (¶ 58 lines 5-7). Making a backup copy would prevent loss of data in the case of an application failure. Srinivasan's system can respond to errors on a hard drive (¶ 84). Backing up the data hard drive would prevent loss of data in case the error is uncorrectable or if part of the hard drive must be erased. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to incorporate data backups into the monitoring system of Srinivasan, or into the network management system of Huang, to prevent data loss.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matt Urick whose telephone number is (571) 272-0805. The examiner can normally be reached on 8:00 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Beausoliel can be reached on (571) 272-3645. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

***

Bryce P. Bonzo

BRYCE P. BONZO
PRIMARY EXAMINER